

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599



11-09-06 1760  
ATTORNEY DOCKET NO. 10021270-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Valery Kanevsky et al.

Serial No.: 10/682,464

Examiner: Stephen J. Cherry

Filing Date: October 9, 2003

Group Art Unit: 2863

Title: SYSTEMS AND METHODS FOR MEASUREMENT SYSTEM  
PERFORMANCE OPTIMIZATION USING MOBILE PROBES

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☒ No additional fee (Address envelope to "Mail Stop Amendments")  
☐ Other: (Fee \$\_\_\_\_\_)

| CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY                            |  |  |   |   |             |                           |
|---|--|--|---|---|-------------|---------------------------|
| (1)<br>FOR  | (2)<br>CLAIMS REMAINING<br>AFTER AMENDMENT               | (3)<br>NUMBER<br>EXTRA                                   | (4)<br>HIGHEST NUMBER<br>PREVIOUSLY PAID FOR              | (5)<br>PRESENT<br>EXTRA                                   | (6)<br>RATE | (7)<br>ADDITIONAL<br>FEES |
| TOTAL<br>CLAIMS   | 53   | MINUS  | 53  | = 0   | X 50        | \$ 0                      |
| INDEP.<br>CLAIMS  | 5  | MINUS  | 5   | = 0   | X 200       | \$ 0                      |
| <input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM |  |  |   |   | + 300       | \$ 0                      |
| EXTENSION<br>FEE  | 1 <sup>ST</sup> MONTH<br>120.00 <input type="checkbox"/> | 2 <sup>ND</sup> MONTH<br>450.00 <input type="checkbox"/> | 3 <sup>RD</sup> MONTH<br>1020.00 <input type="checkbox"/> | 4 <sup>TH</sup> MONTH<br>1590.00 <input type="checkbox"/> |             | \$ 0                      |
| OTHER FEES  |  |  |   |   |             | \$ 0                      |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT                                   |  |  |   |   |             | \$ 0                      |

Charge \$0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2 5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

"Express Mail" label no. EV629203385US

Date of Deposit: November 8, 2006

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Typed Name: Donna Forbit

Signature: Donna Forbit

Respectfully submitted,

Valery Kanevsky et al.

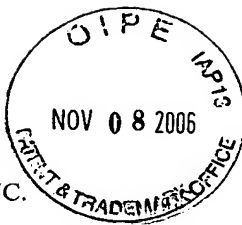
By R. Ross Viguet

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Date: November 8, 2006

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Docket No.: 10021270-1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Valery Kanevsky et al.

Application No.: 10/682,464

Confirmation No.: 9219

Filed: October 9, 2003

Art Unit: 2863

For: SYSTEMS AND METHODS FOR  
MEASUREMENT SYSTEM PERFORMANCE  
OPTIMIZATION USING MOBILE PROBES

Examiner: Stephen J. Cherry

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 10, 2006 (Paper No. 20061002), applicant hereby provisionally elects claims 13-53 (Group II) for continued examination, with traverse.

The Examiner has required restriction between Group I (claims 1-12) and Group II (claims 13-53), asserting that the claims are directed to a process and apparatus for its practice. The restriction requirement is improper for at least two reasons.

First, the restriction does not properly show that the groups are directed to a process and apparatus for its practice, as provided in M.P.E.P. §806.05(e). Restriction between groups of claims may be proper if the groups are drawn to distinct inventions, and the inventions are distinct if at least one of the following can be shown: